

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 19, 2006

D046856 Fiebig v. Fiebig et al.

The appeal is dismissed. Respondents shall recover costs on appeal. Nares, Acting P.J.;
We Concur: McIntyre, J., Aaron, J.

D044513 In re Lopez on Habeas Corpus

The order to show cause is discharged as moot in light of the amendment to Regulation 3173.1.
The petition is dismissed.

D046589 Najor v. Ateeq

The judgment is affirmed. Nares, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D047692 In re Enrique G., a Juvenile

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: Benke,
Acting P.J., McDonald, J.

**D048369 Moores et al. v. Superior Court of San Diego County/Bearing Point Inc.,
et al.**

The petition is denied.

**D048370 Moores et al. v. Superior Court of San Diego County/Bearing Point Inc.,
et al.**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 20, 2006

D046923 People v. Leidecker

The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., McDonald, J.

D048622 Cassie L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Cassie L. has notified the court that a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D048604 Reginald B. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Reginald B. has notified the court that a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case as to Reginald B. is dismissed.

D048649 Kenneth H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Kenneth H. has notified the court that a petition for writ of mandate under California Rules of Court, rules 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D048269 In re Wilkerson on Habeas Corpus

The petition is denied.

D046887 People v. Elkins

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D045957 Sprint Telephony PCS v. County of San Diego et al.

The judgment is affirmed. Each party shall bear its own costs on appeal. CERTIFIED FOR PUBLICATION McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.

D048420 In re Elijah G., a Juvenile

The appeal is dismissed. Nares, J.; We Concur: Benke, Acting P. J., Aaron, J.

D047492 In re Jasmine H., a Juvenile

The orders are affirmed. The motion for partial dismissal is denied. Nares, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D047111 People v. Garcia

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 20, 2006 (Continued)

D047771 People v. Jordan

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., Irion, J.

D046752 In re Marriage of Flahive

The judgment of the trial court is affirmed. Costs are awarded to the respondent. Aaron, J.

We Concur: McConnell, P.J., Huffman, J.

D048263 In re Jennifer D., a Juvenile

The appeal is dismissed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D048356 Employers Compensation Insurance Company v. Workers' Compensation Appeals Board and Maribeth Polese.

The petition is denied.

D048771 In re Kandalaria F. et al., Juveniles

This matter has been reviewed by Associated Justices Aaron, Benke and Huffman. The notice of appeal states that the appeal is from the February 14, 2005 dispositional judgment. There was no hearing on that date, however. The dispositional judgment was instead made on March 24, 2005. The court construes the notice of appeal to be from the March 24, 2006 judgment. The notice of appeal is untimely. The appeal is accordingly dismissed.

San Diego County Deputy Sheriff's Association et al. v. County of San Diego et al.

The petition for rehearing is denied.

D048376 Tu et al. v. Superior Court of San Diego County/Sanstede et al.

The petition is denied.

D045728 People v. MacDonald

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

D047748 In re Valerie A. et al., Juveniles

The petition for rehearing is denied.

D047946 Med One Capital Funding LLC v. Quantum Health, Inc.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 21, 2006

D047596 Brock-Bousfield v. City of Escondido et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D047358 Fraser III et al. v. Rudick/Andrews et al.

Upon written stipulation filed by the parties to the appeal, the appeal filed December 30, 2005 by Seaman Real Estate Services, Inc. and Jeffrey Brummitt against John C. Fraser III and Kara Fraser is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D048034 People v. Gaskin

Upon filing a request to dismiss the appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 30.3).

D046596 People v. Richey

The judgment is affirmed. Benke, Acting P.J.; We Concur: Aaron, J., Irion, J.

D047775 In re Todd T., Jr. et al.

The judgments and orders are affirmed. Nares, J.; We Concur: McConnell, P.J., Aaron, J.

D048671 Flores et al. v. The Superior Court of San Diego County/Mardoum, M.D.

Let a writ of mandate issue directing the superior court to vacate its May 19, 2006 order granting Dr. Mardoum summary judgment, enter an order granting plaintiffs a continuance, and conduct further proceedings. The stay issued by this court on June 5, 2006, is vacated. Plaintiffs are entitled to costs in this writ proceeding. The opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3)). Benke, Acting P.J.; We Concur: Huffman, J., McIntyre, J.

D046582 People v. Misa

The judgment is affirmed. CERTIFIED FOR PUBLICATION. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 21, 2006 (Continued)

D047648 Chandler v. Wilburn et al.

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Irion, J.

D048662 Shayani v. The Superior Court of San Diego County/People

The petition is denied. The stay issued May 26, 2006 is vacated.

D048092 In re Don'Tay C., a Juvenile

D048385 In re Don'Tay C., a Juvenile

D048561 In re David C. et al., Juveniles

Respondent Agency's unopposed motion to consolidate the above-entitled appeal is granted.
All documents will be filed under D048092.

D047554 In re Shirley K., a Juvenile

The petition for rehearing is denied.

D048407 Pedley et al. v. Superior Court of San Diego County/Arbusto et al.

The petition is denied.

D047630 People v. Garcia

The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., Benke, J

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 22, 2006

D046533 People v. James et al.

The judgments are affirmed. Nares, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D045875 Café Sevilla v. OM Enterprises, Inc.

The judgment is affirmed. Respondent shall recover costs on appeal. Nares, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D046245 People v. Lochtefeld

The order revoking probation is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D045846 People v. Sandoval

It is ordered that the opinion filed on June 7, 2006, is modified. The judgment is reversed and the matter is remanded to the trial court. In the interest of justice, the matter shall be reassigned to a different judge. The trial court is directed to strike from the superior court file the information "amended by interlineation 11-17-05 nunc pro tunc to 09-28-04." The trial court shall allow Sandoval to file a new motion to withdraw his guilty plea. Any such motion shall be filed within 60 days after the issuance of the remittitur. If Sandoval requests additional time to file a motion to withdraw his plea, the court may grant the request for good cause, at its discretion. If Sandoval timely files a motion to withdraw his plea of guilty, the court is directed to grant the motion and allow Sandoval to withdraw his guilty plea. If Sandoval does not timely file a motion to withdraw his guilty plea, the trial court shall reinstate the judgment.

D46174 People v. Esquera

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

D046442 People v. Rock

The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D047241 People v. Shaday

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D047112 Ceravolo v. Pennell et al.

The judgment is affirmed. Ceravolo to bear the Pennells' costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., Huffman, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 22, 2006 (Continued)

D046122 People v. Allen

The abstract of judgment is ordered corrected to reflect an additional 28 days of presentence conduct credits. In all other respects the judgment is affirmed. Benke, Acting P.J.;
We Concur: O'Rourke, J., Irion, J.

D048437 In re Jackie Robinson on Habeas Corpus

The petition is denied as premature because the issues raised in the petition can be raised on appeal or, if appropriate, in a companion habeas petition.

D048816 Westminster Investments v. Superior Court of San Diego County/Residential Capital L.P.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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June 23, 2006

D048619 Kirk v. Superior Court of San Diego County/Stockton

The petition is denied.

D047890 In re D. W., a Juvenile

Judgment affirmed. McConnell, P.J.; We Concur: McIntyre, J., Aaron, J.

D047584 People v. Moore

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D044146 People v. Ontiveros

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D047314 Mathur et al. v. Allegrino II et al.

The order denying the motion to strike is affirmed. Allegrino is awarded costs on appeal. McIntyre, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D047053 People v. Abbott

The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., Nares, J.

D048097 Elliott v. California State Personnel Board/Board of Trustees of California State University

Let a writ of mandate issue directing the Board to vacate its March 2006 decision and to enter a new decision dismissing the charge against Elliott. Elliott is awarded his costs in the writ proceeding. McIntyre, J.; We Concur: McConnell, P.J., Aaron, J.

D046774 San Diego County Deputy Sheriff's Association et al. v. County of San Diego et al.

The request for publication of the opinion is denied.

D048275 In re Thomas on Habeas Corpus

The petition is denied.

D048165 Adoption of London R.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rules 17(a)(1), 37.3(b)(5), and 37.4(a)(2). The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
June 23, 2006 (Continued)

D047540 In re Brianna Z., a Juvenile

The request for publication is denied.

**D048653 Glenna J. v. Superior Court of San Diego County/San Diego County Health
And Human Services Agency**

The attorney for petitioner Glenna J. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.